

Attorney General

Analyst: Burns

Historical Summary

OPERATING BUDGET	FY 2004 Total App	FY 2004 Actual	FY 2005 Approp	FY 2006 Request	FY 2006 Gov Rec
BY PROGRAM					
State Legal Services	13,719,900	13,517,900	14,242,700	17,557,500	14,982,200
Special Litigation	1,354,300	137,300	951,600	951,600	951,600
Total:	15,074,200	13,655,200	15,194,300	18,509,100	15,933,800
BY FUND CATEGORY					
General	14,294,100	13,078,100	15,042,200	18,352,600	15,778,400
Dedicated	780,100	577,100	152,100	156,500	155,400
Total:	15,074,200	13,655,200	15,194,300	18,509,100	15,933,800
Percent Change:		(9.4%)	11.3%	21.8%	4.9%
BY OBJECT OF EXPENDITURE					
Personnel Costs	12,976,800	12,698,700	13,505,800	16,452,700	14,245,900
Operating Expenditures	2,097,400	841,100	1,688,500	1,894,200	1,687,900
Capital Outlay	0	115,400	0	162,200	0
Total:	15,074,200	13,655,200	15,194,300	18,509,100	15,933,800
Full-Time Positions (FTP)	177.65	177.65	178.65	185.65	178.65

Department Description

The Attorney General is an elected constitutional official who serves as the state's chief legal officer. The responsibilities of the office are executed by seven separate divisions budgeted in two different programs.

STATE LEGAL SERVICES:

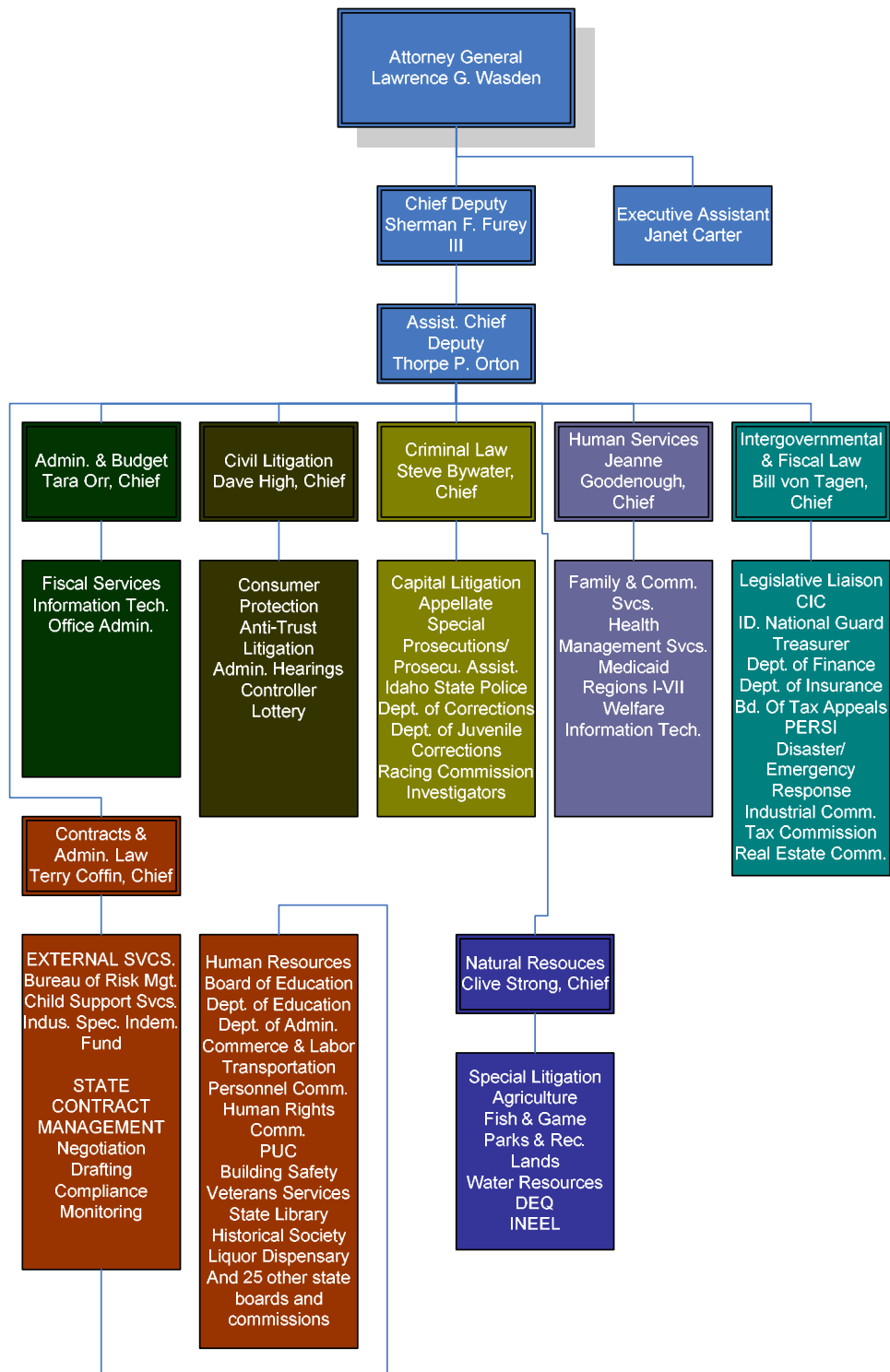
1. Civil Litigation: Provides centralized civil litigation advice and representation in cases for all state agencies, and defends the state in tort claims, actions against the judiciary, employment claims against state agencies, and actions against the Legislature. The Consumer Protection Unit enforces Idaho's consumer protection, telephone solicitation, charitable solicitation, and pay-per-telephone call statutes, as well as other laws.
2. Contracts and Administrative Law: Manages outside legal contracts for the Bureau of Risk Management, the State Insurance Fund, the Bureau of Child Support, and the Industrial Special Indemnity Fund, including assignment of cases to outside legal counsel, monitoring and supervision of cases, and review and approval of attorney billings.
3. Criminal Law: Represents the state in criminal appeals before the Idaho Supreme Court, the Idaho Court of Appeals, and in death penalty appeals in state or federal courts. Provides prosecutorial assistance statewide to counties, and provides state assistance through the complex (white-collar crime) Criminal Investigations Unit to local agencies.
4. Human Services: Provides legal service to the Department of Health & Welfare.
5. Intergovernmental & Fiscal Law: Provides legal advice to the Secretary of State and the State Treasurer, counties, cities, and special districts in the state. Provides legal representation to several state agencies.
6. Natural Resources: Provides legal services to the natural resources agencies, and represents the State of Idaho in current endangered species litigation, Snake River Adjudication, and the remediation of Triumph Mine.
7. Administration & Budget: The Administration and Budget Division is responsible for providing support services to the Office of Attorney General. Accounting services provided include payroll, accounts payable and accounts receivable. The division prepares the annual budget request and manages the day-to-day expenditure of funds in accordance with established fiscal and accounting standards. Computer and communication services include management of the office computer and telephone systems.

SPECIAL LITIGATION PROGRAM: Funds are used to engage private legal representation when required due to ethical conflict between governmental entities, hire technical experts when the Attorney General's staff does not have the necessary expertise, and cover the cost of extraordinary unanticipated litigation.

Attorney General Agency Profile

Analyst: Burns

Organizational Chart



Attorney General

Agency Profile

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Sources of Funds

	<u>FY 2004 Actual</u>	<u>Percent of Total</u>	<u>FY 2005 Estimate</u>	<u>FY 2006 Request</u>
1. General Fund (0001-00)	13,078,100	96%	16,115,100	18,352,600

The General Fund consists of, "moneys received into the treasury and not specially appropriated to any other fund." The fund sources are individual income tax, corporate income tax, sales tax, cigarette tax, beer tax, wine tax, liquor surcharge, kilowatt hour tax, mine license tax, Treasurer's interest on investments of certain idle state funds, court fees and fines, insurance premium tax, sale of alcoholic beverage licenses, unclaimed property, articles of incorporation and uniform commercial code filing fees, estate and transfer tax, and other miscellaneous sources from various agency receipts.

2. Consumer Protection Fund (0349-04)	577,100	4%	152,600	156,500
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Penalties, costs and fees recovered by the Attorney General. At the beginning of each fiscal year any cash in excess of 150% of the current year's appropriation is deposited into the state General Fund.

Total	13,655,200	100%	16,267,700	18,509,100
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Attorney General

Agency Profile

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Special Litigation Summary

	FY 2004 Actual	Total
SPECIAL LITIGATION REVENUE		3,239,910.23
Beginning Appropriation Balance	951,600.00	
FY 2003 Reappropriation	402,721.92	
FY 2002 Encumbrance	1,885,588.31	
GENERAL LITIGATION EXPENSES BY CASE		85,614.56
05000 Special Litigation One-Time Charges	1,232.91	
05001 U.S. v. Oregon	7,672.81	
05015 State v. Deborah Bail	14,840.12	
05016 PEA v. Wasden	105.60	
05017 Public Schools ISEEO	8,772.60	
05019 Child Sex Abuse Cases	16,000.00	
05020 Tobacco	258.31	
05024 Big Bucks Bingo	734.38	
05025 General Fire & Casualty v. State of Idaho	16,182.70	
05036 Indian Gaming 2002 Initiative	15,155.35	
05070 Planned Parenthood v. Lance	4,659.78	
NATURAL RESOURCES LITIGATION BY CASE		29,084.73
05014 State v. Blackbird Mine	4,762.83	
05026 Defenders of Wildlife v. USFS/Norton	37.70	
05027 Endangered Species	3,241.19	
05030 ICL v. State Priest Lake	2,787.89	
05033 CDA Tribe Claims	1,176.02	
05042 Lemhi Conservation	259.00	
05045 Natural Resources Interim Comm ESPA	521.53	
05046 Triumph Mine	63.00	
05062 Quiet Title	4,228.64	
05064 Grizzly Bear	10,732.40	
05065 Hydropower Relicensing	322.78	
05069 State v. USFS Roadless	951.75	
SNAKE RIVER BASIN ADJUDICATION		35,577.55
05004 SRBA General Expenses	5,329.55	
05005 SRBA Subcases	212.85	
05200 SRBA Forest Service	17,907.77	
05201 SRBA Tribal Claims	12,077.38	
05202 SRBA Deer Flat Claims	50.00	
DEATH PENALTY LITIGATION EXPENSES BY CASE	621.34	621.00
Special Litigation Balance		3,089,012.39

Attorney General

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Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2005 Original Appropriation	178.65	15,042,200	15,194,300	178.65	15,042,200	15,194,300
Reappropriations	0.00	951,600	951,600	0.00	951,600	951,600
HB 805 One-time 1% Salary Increase	0.00	121,300	121,800	0.00	121,300	121,800
Governor's Rescission	0.00	0	0	0.00	(18,300)	(18,500)
FY 2005 Total Appropriation	178.65	16,115,100	16,267,700	178.65	16,096,800	16,249,200
Removal of One-Time Expenditures	0.00	(1,072,900)	(1,073,400)	0.00	(1,060,900)	(1,061,200)
Base Adjustments	0.00	0	0	0.00	6,300	6,300
FY 2006 Base	178.65	15,042,200	15,194,300	178.65	15,042,200	15,194,300
Benefit Costs	0.00	181,300	181,300	0.00	140,300	140,300
Inflationary Adjustments	0.00	8,200	9,300	0.00	0	0
Replacement Items	0.00	175,400	175,400	0.00	0	0
Nonstandard Adjustments	0.00	(600)	(600)	0.00	(600)	(600)
Change in Employee Compensation	0.00	124,200	124,900	0.00	124,200	124,900
27th Payroll	0.00	472,300	474,900	0.00	472,300	474,900
FY 2006 Program Maintenance	178.65	16,003,000	16,159,500	178.65	15,778,400	15,933,800
1. Market Parity Adjustment	0.00	1,737,500	1,737,500	0.00	0	0
2. Administration/Budget Division Staffing	1.00	66,500	66,500	0.00	0	0
3. Human Services Division Staffing	1.00	71,900	71,900	0.00	0	0
4. Criminal Law Division Staffing	1.00	109,800	109,800	0.00	0	0
5. Contracts & Administrative Law Staffing	1.00	87,600	87,600	0.00	0	0
6. Criminal Law Division Staffing	1.00	69,300	69,300	0.00	0	0
7. Civil Litigation Division Staffing	2.00	53,000	53,000	0.00	0	0
8. Criminal Docketing System	0.00	15,000	15,000	0.00	0	0
9. Civil Litigation System	0.00	10,000	10,000	0.00	0	0
10. Case Management System	0.00	122,000	122,000	0.00	0	0
11. Additional Capital Outlay	0.00	7,000	7,000	0.00	0	0
12. Carryover Authority	0.00	0	0	0.00	0	0
FY 2006 Total	185.65	18,352,600	18,509,100	178.65	15,778,400	15,933,800
Change from Original Appropriation	7.00	3,310,400	3,314,800	0.00	736,200	739,500
% Change from Original Appropriation		22.0%	21.8%		4.9%	4.9%

Attorney General

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Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
FY 2005 Original Appropriation	178.65	15,042,200	152,100	0	15,194,300

Reappropriations

Reappropriation authority -- otherwise known as carry over -- allows unspent funds from the prior fiscal year to be carried over and spent in the current fiscal year. Those moneys are then removed as one-time expenditures before calculating the FY 2005 Base. Carry over requires specific legislative authorization and must be approved every year. Few appropriations receive reappropriation authority. This reappropriation was authorized for General Funds supporting Special Litigation.

Agency Request	0.00	951,600	0	0	951,600
Governor's Recommendation	0.00	951,600	0	0	951,600

HB 805 One-time 1% Salary Increase

Agency Request	0.00	121,300	500	0	121,800
Governor's Recommendation	0.00	121,300	500	0	121,800

Governor's Rescission

Agency Request	0.00	0	0	0	0
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The Governor recommends removal of funds not needed to implement HB 805. In addition, the Governor recommends removal of risk management funding in excess of needs calculated by the Department of Administration.

Governor's Recommendation	0.00	(18,300)	(200)	0	(18,500)
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FY 2005 Total Appropriation

Agency Request	178.65	16,115,100	152,600	0	16,267,700
Governor's Recommendation	178.65	16,096,800	152,400	0	16,249,200

Removal of One-Time Expenditures

Remove funding provided for one-time items.

Agency Request	0.00	(1,072,900)	(500)	0	(1,073,400)
Governor's Recommendation	0.00	(1,060,900)	(300)	0	(1,061,200)

Base Adjustments

Agency Request	0.00	0	0	0	0
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Restore risk management rescission to the base.

Governor's Recommendation	0.00	6,300	0	0	6,300
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FY 2006 Base

Agency Request	178.65	15,042,200	152,100	0	15,194,300
Governor's Recommendation	178.65	15,042,200	152,100	0	15,194,300

Benefit Costs

Includes the employer-paid portion of estimated changes in employee benefit costs. The two biggest factors are health insurance rates and retirement rates. Health insurance is projected to increase by 9.7% or \$632 per position. Retirement rates are scheduled to increase by 5.9% from 10.39% to 11% of salary for regular employees and by 5.7% from 10.73% to 11.34% of salary for police and firefighters. Other benefit changes include a reduction in unemployment insurance rates, a reduction in Division of Human Resources rates for classified employees, and an increase in workers compensation rates.

Agency Request	0.00	181,300	0	0	181,300
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The Governor does not recommend increases related to changes in the Public Employee's Retirement System.

Governor's Recommendation	0.00	140,300	0	0	140,300
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Attorney General

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Inflationary Adjustments					
Includes a general inflationary increase of 1.3% in operating expenditures.					
Agency Request	0.00	8,200	1,100	0	9,300
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
Replacement Items					
Includes \$52,000 for software upgrades, \$49,700 for 37 computer workstations, \$9,000 for eight printers, \$7,000 for 4 laptops, \$9,600 for 3 servers, \$16,000 for 2 photocopiers, \$25,000 for 2 vehicles, \$4,000 for 10 executive chairs, \$1,000 for a digital camera, and \$2,100 for tape dubbing equipment.					
Agency Request	0.00	175,400	0	0	175,400
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
Nonstandard Adjustments					
The Statewide Cost Allocation Plan assesses state agencies for their actual use of Attorney General, State Controller and State Treasurer services. Also included are changes in property and casualty insurance premiums and the cost of office space leased to state agencies by the Department of Administration. Risk management fees are reduced by \$2,000, State Treasurer fees are increased by \$200, and State Controller fees are increased by \$1,200.					
Agency Request	0.00	(600)	0	0	(600)
Governor's Recommendation	0.00	(600)	0	0	(600)
Change in Employee Compensation					
Reflects the cost of a 1% salary increase for permanent and group positions.					
Agency Request	0.00	124,200	700	0	124,900
Governor's Recommendation	0.00	124,200	700	0	124,900
27th Payroll					
Reflects the cost of one additional payroll in fiscal year 2006. This happens every eleven or twelve years because there are 364 days in 26 payperiods but a year has 365.242 days.					
Agency Request	0.00	472,300	2,600	0	474,900
Governor's Recommendation	0.00	472,300	2,600	0	474,900
FY 2006 Program Maintenance					
Agency Request	178.65	16,003,000	156,500	0	16,159,500
Governor's Recommendation	178.65	15,778,400	155,400	0	15,933,800
1. Market Parity Adjustment					
State Legal Services					
Currently, Deputy Attorney General salaries are, on average, 22.3% below those with comparable experience employed by local private firms, and 16.4% below salaries paid by the Ada County Prosecutor's Office. Likewise, legal secretaries fall 11.7% below the local market. Funding is requested to bring the Office of the Attorney General salaries to the market average.					
Agency Request	0.00	1,737,500	0	0	1,737,500
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0

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Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
2. Administration/Budget Division Staffing					State Legal Services
The Office of the Attorney General has one staff member that provides support to 94 computer users. As a result, the IT Manager, who is responsible for server and network support, is constantly diverted to help provide desktop support. Demand for support services also continues to increase as more technology is brought into the office. In addition, case and document management solutions, integration with the courts, and web-based services are just a few of the areas adding pressures to IT staff workload. Funding is requested for an Information Technology Desktop Support Technician to help with these increasing demands.					
Agency Request	1.00	66,500	0	0	66,500
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
3. Human Services Division Staffing					State Legal Services
Over the years, the Department of Health and Welfare has utilized one Deputy Attorney General to administer the Medicaid Estate Recovery program. During fiscal year 2004 alone, this program collected \$5.6 million in receipts. The department has recently consolidated nursing home eligibility program functions into their Lewiston Office. One result of this consolidation effort is that they are now getting very reliable data on those clients with real property, who are entering nursing homes. Additionally, the Estate Recovery caseload has been climbing dramatically for several years, resulting in more estate claims, more litigation, and more recoveries. Funding is requested to add one additional Deputy Attorney General for this effort.					
Agency Request	1.00	71,900	0	0	71,900
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature. However, it should be noted that he does recommend \$71,900 (General Fund) in the Department of Health and Welfare for this purpose.</i>					
Governor's Recommendation	0.00	0	0	0	0
4. Criminal Law Division Staffing					State Legal Services
Insurance fraud is a crime that impacts everyone by increasing the cost of insurance premiums and related goods and services. Currently, prosecution of insurance fraud is limited due to a lack of expertise and resources. Funding is requested to add one Deputy Attorney General to help alleviate this problem.					
Agency Request	1.00	109,800	0	0	109,800
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature. However, it should be noted that he does recommend \$109,800 (Dedicated Fund) in the Department of Insurance for this purpose.</i>					
Governor's Recommendation	0.00	0	0	0	0
5. Contracts & Administrative Law Staffing					State Legal Services
Provides one Deputy Attorney General for the State Board of Education to respond to increased workload generated by the increase in the number of charter schools in Idaho, implementation of the federal No Child Left Behind Act, creation of a Charter School Commission as required by the Legislature, increased oversight of the state's universities, and exit testing for high school students.					
Agency Request	1.00	87,600	0	0	87,600
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0

Attorney General

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Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
6. Criminal Law Division Staffing					State Legal Services
Over the years, the number of deputies assigned to the Idaho State Police has been reduced from four to two. Workloads were reduced as a result of court cases making civil forfeitures of real and personal property in connection with convictions for illegal drug uses and trafficking unconstitutional. The courts have since reversed those decisions. In addition, administrative proceedings against violators of alcohol beverage control laws have been brought into conformance with the Idaho Rules of Administrative Procedures of the Attorney General. This includes research and review of investigative reports, related criminal court proceedings, and other relevant information to draft complaints and engage in discovery. Funding is requested to add an additional Deputy Attorney General to cover the increased workload.					
Agency Request	1.00	69,300	0	0	69,300
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature. However, it should be noted that he does recommend \$69,300 (General Fund) in the Idaho State Police for this purpose.</i>					
Governor's Recommendation	0.00	0	0	0	0
7. Civil Litigation Division Staffing					State Legal Services
Funding is requested to replace four part-time positions with two new full-time staff to alleviate problems associated with high turnover, including inconsistencies in work product, and a large investment in training. One receptionist would be added to provide full-time coverage for office reception, and one office assistant would be added to handle functions like photocopying, court filings, and courier services.					
Agency Request	2.00	53,000	0	0	53,000
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
8. Criminal Docketing System					State Legal Services
Funding is requested to upgrade the Criminal Law Docketing System for the Criminal Appellate Unit to track files, court hearings, and deadlines. The current system does not allow for pulling status reports on active cases, closed cases, disposition of case files, types of offenses by year, number of cases per attorney, and the counties in which cases are prosecuted. It also does not allow for easily locating archived files for probation, parole violations, or prison releases.					
Agency Request	0.00	15,000	0	0	15,000
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
9. Civil Litigation System					State Legal Services
The Civil Litigation Division maintains a record tracking system that is primarily utilized by the Consumer Protection Unit. The database houses consumer complaint records, enforcement information, and restitution amounts collected on behalf of Idaho consumers. Funding is requested to update and enhance the system to provide a more accurate picture of a business's activities for enforcement personnel, as well as, to enhance the efficiency of reporting capabilities.					
Agency Request	0.00	10,000	0	0	10,000
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
10. Case Management System					State Legal Services
Funding is requested to implement an automated system for managing case related information. Case management software performs several critical functions to assist in tracking and allocating staff resources and correspondence, provides secure document management, production of status reports, and provides a means of ensuring that litigation deadlines are met.					
Agency Request	0.00	122,000	0	0	122,000
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0

Attorney General

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
11. Additional Capital Outlay					State Legal Services
Includes funding for court presentation equipment, and a high-speed scanner and fax machine.					
Agency Request	0.00	7,000	0	0	7,000
<i>The Governor did not choose to recommend this enhancement, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
12. Carryover Authority					Special Litigation
The Office of the Attorney General is requesting carryover authority from FY 2005 into FY 2006 for the Special Litigation program.					
Agency Request	0.00	0	0	0	0
<i>The Governor chooses not to recommend enhancements, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
FY 2006 Total					
Agency Request	185.65	18,352,600	156,500	0	18,509,100
Governor's Recommendation	178.65	15,778,400	155,400	0	15,933,800
Agency Request					
Change from Original App	7.00	3,310,400	4,400	0	3,314,800
% Change from Original App	3.9%	22.0%	2.9%		21.8%
<i>Governor's Recommendation</i>					
Change from Original App	0.00	736,200	3,300	0	739,500
% Change from Original App	0.0%	4.9%	2.2%		4.9%